

AMENDING CHAPTER 37 OF THE DANE COUNTY CODE OF ORDINANCES.
UPDATING THE ALARM REGULATION ORDINANCE

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 37.04 is amended to read as follows:

37.04 ADMINISTRATION; ENFORCEMENT. (1) The Public Protection and Judiciary Committee of the Dane County Board shall act as the policy oversight body with respect to the operation of this chapter.

(2) Implementation and day-to-day administration of this chapter shall be the responsibility of the Dane County Sheriff Office. The sheriff shall designate at least two (2) persons as Security Control Officers, who shall act as custodians of application records and perform such other functions with respect to this ordinance as may from time to time be directed by the sheriff. The department shall maintain records of permit holders and the status of alarm permits.

(3) The department shall be responsible for the collection of fees associated with the alarm permit registration process.

(4) The Dane County Corporation Counsel's Office shall prosecute violations of this ordinance.

(5) Any law enforcement officer employed by the County of Dane may issue citations for violations of this chapter, under Chapter 2 of the Dane County Code of Ordinances.

(6) In lieu of issuing citations under Chapter 2, the Corporation Counsel may issue formal summons and complaints in any particular case.

ARTICLE 3. Section 37.05 sub. (5) is amended, subs. (8) through (11) renumbered, respectively, as (9) through (12) and (12) amended, and a new sub. (8) created to read as follows:

37.05 DEFINITIONS. Unless the context clearly requires otherwise, the following words and phrases shall have the meanings indicated:

(5) *False alarm* means any signal generated by an alarm device which in fact is not activated by the type of activity the device is intended to detect, or which is not due to an emergency situation. False alarms include, but are not limited to, alarms which are triggered by negligent or willful acts of employees of alarm owners. *False alarm* does not include alarms caused by violent weather conditions or alarm requests where the responding law enforcement officer finds evidence of a criminal offense or attempted criminal offense. Multiple false alarms within a 24-hour period may be counted as one false alarm event at the discretion of the Sheriff Security Control Deputies.

(8) *Response to alarm or responded to by law enforcement officers* means a request for law enforcement response which was made to the Public Safety Communications Center and was communicated to law enforcement officers to respond.

(9) *Type I Alarm* means any alarm device which is linked to the console in such a manner that upon being activated alarm signals are sent directly to the console.

(10) *Type II Alarm* is any alarm device which when activated sends a prerecorded message over telephone lines to the department.

(11) *Type III Alarm* is any alarm device which when activated sends its signal to agencies, persons or firms, private or public, other than the department. Type III alarms which send signals to public law enforcement agencies other than the department are not covered by the terms of this ordinance in any manner whatsoever.

(12) *Type IV Alarm* is any alarm device located in the unincorporated areas of the County and which generates an alarm signal which is either audible, visible or both to persons passing by the premises where the alarm is located.

ARTICLE 4. Section 37.13 is amended to read as follows:

37.13 RESPONSIBILITY FOR ACTS OF OTHERS. Owners of alarms shall be responsible for the acts of persons acting under their control or under their authority. Owners of commercial establishments utilizing Type I, Type III or Type IV alarms shall be responsible for the acts of their employees or others acting under their control, at their direction or with their permission. Employees, patrons or agents of an alarm owner shall be

presumed to be acting at the direction of or under the control of the owner or tenant of the premises where the device is located unless the circumstances show otherwise. Owners of alarms shall be responsible for false alarm signals generated by alarm devices on their premises or under their control only if the owner, his or her agent, or any other person, upon observing an alarm signal, conveys a request for emergency service to the department or any other county agency.

ARTICLE 5. Section 37.15 is amended to read as follows:

37.15 PERMITS; WHO ISSUES. Permits authorized by this ordinance shall be issued only by the office's Security Control Officers. The office shall be responsible for recordkeeping and the collection of fees associated with the permit registration process.

ARTICLE 6. Section 37.21 is amended to read as follows:

37.21 TYPE I, III and IV ALARMS; PERMITS REQUIRED. (1) Any person desiring to install a Type I, III or IV alarm after the effective date of this ordinance shall first secure a permit from the office. Permits shall be renewed on an annual basis by January 1st of each year.

(2) Within thirty days of the effective date of this ordinance owners of existing Type I, III or IV alarms shall secure permits therefor or disable such devices. Owners of Type I alarms shall disable such devices so that no signal is generated directly to the Public Safety Communications Center. Permits shall be renewed on an annual basis by January 1st of each year.

ARTICLE 7. Section 37.22 is amended to read as follows:

37.22 TYPE I, III and IV ALARMS; APPLICATIONS FOR PERMITS. (1) Persons desiring to obtain a permit for a Type I, III or IV alarm shall first complete an application therefor containing the following information:

(a) the name, complete address (including apt/suite number), mailing address if different from the address of the alarm site, and telephone numbers of the person who will be the permit holder. The permit holder shall be responsible for the proper maintenance and operation of the alarm system and the payment of all costs assessed under this ordinance,

(b) the classification of the alarm site as either residential (includes, but is not limited to, single family dwelling, apartment, condominium, mobile home) or commercial,

(c) for each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarm, other); for each classification, whether such alarm is audible or silent; and any special conditions of the alarm site, and

(d) the nature of the business or facility which the device is intended to protect; the nature of unauthorized acts or events which the device is intended to protect against; and such additional information as may be reasonably requested by the department.

(2) Applicants for permits shall provide the names and telephone numbers of at least three individuals who are able and have agreed to:

(a) receive notification of an alarm system activation at any time;

(b) respond to the alarm site any time to deactivate the device upon request of the office;

(c) upon request, can grant access to the alarm site and deactivate the system if necessary; and

(d) empower repair persons to conduct repairs, at the owner's sole expense, in the event of a malfunctioning alarm.

(3) The committee shall, from time to time, review the application requirements for permits to determine the need for the information requested. Any applicant for a permit may at any time ask the committee to review the need for additional information requested by the office and the committee may either waive the requirement for such additional information or order the applicant to provide such information, according to the terms and purposes of this ordinance.

ARTICLE 8. Section 37.23 is amended to read as follows:

37.23 TYPE I, III and IV ALARMS; PERMIT DURATION AND FEES. (1) Permits issued on or after January 1 shall be valid only for the calendar year in which issued. Failure to renew will be classified as use of a non-registered alarm system and may be subject to citations and penalties as provided in this chapter without waiver.

(2) Type I alarms for which the permit has expired shall be disabled within 10 days of the expiration date so that any alarm signal which is generated by the device is not received at the console.

- (3) Type III and IV alarms for which the permit has expired shall be disabled within 10 days of the expiration date of the permit.
- (4) There shall be no prorating of permit fees and no refunds of registration or registration renewal fees.
- (5) The fee for a permit shall be \$25.00.
- (6) One permit shall cover all alarm devices installed at one address. Additional permits shall be required at other addresses of the permit holder.
- (7) Any outstanding fees or fines owed by an applicant must be paid before an alarm permit may be issued or renewed.
- (8) An alarm permit may not be transferred to another person or alarm site.

ARTICLE 9. Subsection 37.24(3) is amended to read as follows:

37.24 TYPE I ALARMS; TESTING REQUIREMENTS. (3) Any permit holder conducting more than six (6) tests of a Type I alarm at any one location in one (1) calendar year shall pay a fee of \$25.00 per test to the Dane County Treasurer or obtain a written waiver, in advance, from the office.

ARTICLE 10. Section 37.25 is amended to read as follows:

37.25 TYPE I, III and IV ALARMS; INSTALLATION AFTER EFFECTIVE DATE. All Type I, III and IV alarms installed after the effective date of this ordinance shall be at the sole expense of the owner including, in the case of Type I alarms, the expense of connection to or modification of the console.

ARTICLE 11. Section 37.27 is amended to read as follows:

37.27 TYPE I, III and IV ALARMS; PENALTIES. (1) Any person who violates section 37.21(1) shall forfeit not less than \$25 nor more than \$300 for each day that a violation exists.

(2) Any person who violates section 37.21(2) shall forfeit not less than \$25 nor more than \$300 for each day that a violation exists beyond the thirty day transitional period specified in section 37.21(2).

(3) Any person who fails to disable an alarm upon expiration of a permit, in the manner required by subsections 37.23(2) and (3), shall forfeit not less than \$25 nor more than \$300 for each day of non-compliance.

(4) Any person who violates subsections 37.24(1) or (2) of this ordinance shall forfeit not less than \$25 nor more than \$300 for each violation. Each test conducted in violation of either section shall be considered a separate violation.

ARTICLE 12. Section 37.32 is amended to read as follows:

37.32 TYPE II ALARMS; PENALTIES. Any person violating subsections 37.31(1) or (2) shall forfeit not less than \$25 nor more than \$300 for each day a violation exists.

ARTICLE 13. Section 37.41 is repealed in its entirety.

ARTICLE 14. Section 37.42 is repealed in its entirety.

ARTICLE 15. Section 37.43 is repealed in its entirety.

ARTICLE 16. Section 37.51 is repealed in its entirety.

ARTICLE 17. Section 37.52 is repealed in its entirety.

ARTICLE 18. Section 37.53 is repealed in its entirety.

ARTICLE 19. Non-Code Provision. The amendments made by this chapter shall first take effect on January 1, 2012, or the day after publication, whichever is later.]